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Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion

Report of the Secretary-General

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I. Introduction

1. In its resolution 57/5 of 16 October 2002, entitled "Elimination of unilateral extraterritorial coercive measures as a means of political and economic compulsion", the General Assembly requested the Secretary-General to submit to it at its fifty-ninth session a report on the implementation of the resolution.

2. Pursuant to that request, in a note verbale dated 24 March 2004, the Secretary-General invited Governments to provide any information that they might wish to contribute to the preparation of the report.

3. The present report reproduces the replies received from Governments as at 9 August 2004. Further replies will be reproduced in addenda to the present document.

II. Replies received from Governments

Belarus

[Original: Russian]
[30 April 2004]

1. At the fifty-seventh session of the General Assembly, the delegation of the Republic of Belarus voted in favour of the adoption of resolution 57/5 of 16 October 2002. The Republic of Belarus strongly believes that States should abandon the practice of applying unilateral extraterritorial coercive measures in violation of the universally recognized norms of international law as a means of political and economic compulsion. The operation of such measures undermines the sovereignty of other States and impedes the achievement of the legitimate interests of their entities and individuals, and also violates the principles of the United Nations.

2. The Republic of Belarus has not applied and has no intention of applying any unilateral extraterritorial measures of economic compulsion against foreign States, or their entities or individuals.

Costa Rica

[Original: Spanish]
[10 May 2004]

1. Costa Rica, as a member of the World Trade Organization, respects and complies with its principles, including the rejection of extraterritorial coercive economic measures imposed unilaterally on any State.

2. Costa Rica, which respects international law, favours international free trade, and would support a limitation thereof only if it was in conformity with international law, whether within the framework of the United Nations or that of the World Trade Organization.

Cuba

[Original: Spanish]
[4 July 2004]

1. The Government of the Republic of Cuba reiterates its firm rejection of any application of extraterritorial coercive economic measures as a means of political and economic compulsion.

2. The General Assembly, in numerous resolutions, has opposed the implementation of such measures as they violate the principles of international law, the Charter of the United Nations and the principles, objectives and norms of the World Trade Organization.

3. International conferences and world summits held under the auspices of the United Nations on economic and social issues have also rejected such practices as they impede the full exercise of the right to development of peoples and impair the progress of international economic cooperation for development.

4. The General Assembly has also repeatedly rejected the promotion of the use by any State of such measures or of similar measures intended to coerce another State in order to subordinate the exercise of its sovereign rights. The Assembly has also strongly affirmed that the promulgation of such laws constitutes interference in the internal affairs of States and the violation of their sovereignty incompatible with the Charter of Economic Rights and Duties of States proclaimed in its resolution 3281 (XXIX) of 12 December 1974.

5. It is also worth pointing out that the implementation of unilateral coercive economic measures contravenes the letter and spirit of the Millennium Declaration (General Assembly resolution 55/2) and hinders the efforts made in the context of the United Nations by the international community to achieve the development goals set, in particular, the one that aims to promote a global partnership for development and to bring into being "an open, equitable, rule-based, predictable and non-discriminatory multilateral trading and financial system".

6. It has been shown in practice that it is mainly the developing countries that are affected by the implementation of unilateral coercive economic measures by the developed countries, which persist in their use, overlooking the fact that they have generally been rejected by the international community.

7. One example of the clear application of such measures is the policy of the Government of the United States of America, which openly and brazenly imposes sanctions on a number of countries, most of them developing countries, and in particular imposes a genocidal economic, commercial and financial blockade against Cuba the purpose of which is to destroy the political, economic and social system that has been chosen and given legal force by the Cuban people.

8. This aggressive and hostile policy of the United States of America against Cuba, which has been applied unilaterally over more than 45 years, aims to subjugate the Cuban people, through starvation and desperation, ignoring its almost unanimous rejection by the General Assembly, which, since 1992 and on 12 consecutive occasions with a growing majority, has come out against the economic, financial and commercial blockade imposed by the United States of America against Cuba.

9. The Torricelli Act, passed in 1992, abruptly cut off Cuba's purchases of medicine and food from subsidiaries of United States companies based outside United States territory and established strict prohibitions on maritime traffic from and to Cuba, thus institutionalizing clear extraterritorial provisions having the force of law.

10. In 1996 the Helms-Burton Act was passed, which, in particular, fine-tuned the machinery of repression down to the most insignificant economic, commercial and financial link between United States companies and Cuba; increased the number and enlarged the scope of the extraterritorial provisions with the objective of taking legal action against any transaction or deal that benefited the Cuban economy; prosecuted and punished foreign investors in Cuba; authorized the funding of hostile, subversive and aggressive acts against the Cuban people, including the war of disinformation on the airwaves, improving broadcasts from the misnamed Television and Radio Martí; and set up a programme designed to destroy the constitutional system established by the Cuban people and to impose "regime change" to ensure the realization of the objectives of imperialist circles in the United States to impose domination on the Cuban nation.

11. On 6 May 2004, the United States Government, in despair at not having managed to destroy the Cuban Revolution, announced a set of new measures proposed by the so-called "Commission for Assistance to a Free Cuba" to expedite the collapse of the Cuban economic and social system and to control what has come to be called "regime change" in Cuba.

12. As if there were inadequate evidence of the United States Government's contempt for the present and future of the Cuban people, of its lack of respect for the will of the international community and of its mockery of the legitimate interest of United States citizens in establishing normal and reasonable relations with Cuba, the measures, which are now accompanied by specific implementing regulations, significantly tighten up the economic blockade against the country, principally through the increase in restrictions on travel to Cuba by United States citizens and by Cubans resident in the United States and the discouragement of tourism to the island from third countries; the reduction in the number of people sending and receiving family remittances, thus interfering with the sensitive and private sphere of family relations; and the increase in the prosecution of foreign businessmen who have commercial or other relations with Cuba, and Cuban companies themselves that have links with the foreign sector of the economy.

13. The Government of the Republic of Cuba, on behalf of the Cuban people, is firmly opposed to unilateral extraterritorial coercive economic measures, which are profoundly detrimental to multilateralism, international cooperation between States, the right of peoples to self-determination and the right to development and which hinder the work of the United Nations. The Cuban Government is thus in favour of coordinated and decisive action by the vast majority of States Members of the Organization, which reject such measures, in order to put an end to their application.

Democratic People's Republic of Korea

[Original: English]
[20 May 2004]

1. Unilateral extraterritorial coercive measures are in full contravention of the purposes of the Charter of the United Nations, relevant laws and declarations and programmes of action adopted by the General Assembly and major United Nations conferences.

2. Coercive measures pursue political objectives such as subversion of another country's regime by violating the people's rights to existence and development, as well as other fundamental rights, and imposing unbearable suffering and misery.

3. In 1989, the challenging issue of eliminating unilateral coercive measures began to be considered as an agenda item of the General Assembly and from 1997 onwards the resolution on the subject gained an overwhelming and irreversible majority, with only the United States always opposing it.

4. For more than half a century, the Democratic People's Republic of Korea has been the target of unilateral coercive measures by the United States in pursuit of a hostile policy, only because it does not share the United States' political values. The United States has been restlessly imposing all kinds of unilateral economic sanctions against the Democratic People's Republic of Korea, including financial and monetary embargoes. The United States must give up its cold-war-era thinking and nullify all the coercive measures it has taken in the past so that it could prove its sincerity and trust before the international community, which is desirous of peace and development.

5. It is the principled and unchanged position of the Government of the Democratic People's Republic of Korea to oppose unilateral coercive measures as a means of political and economic compulsion.

6. Member States are called upon neither to recognize nor to apply unilateral extraterritorial coercive measures imposed by the United States, which contravene recognized principles of international law.

Iran (Islamic Republic of)

[Original: English]
[6 July 2004]

1. The General Assembly adopted, successively, resolutions 51/22 of 27 November 1996, 53/10 of 26 October 1998, 55/6 of 26 October 2000 and 57/5 of 16 October 2002, in which it expressed its deep concern at the negative impact of unilaterally imposed extraterritorial coercive economic measures on trade, financial and economic cooperation at the regional and international levels.

2. The Member States, in adopting those resolutions, have rejected the application of extraterritorial coercive economic measures or legislative enactments unilaterally imposed by any State. They have also called for the repeal of unilateral extraterritorial laws that impose sanctions on corporations and nationals of other States.

3. The promulgation and application of laws or regulations that have extraterritorial effect or that affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction — a clear violation of the universally accepted principles of international law — have been strongly rejected on various occasions by the overwhelming majority of States.

4. The South Summit, held in Havana from 10 to 14 April 2000, and the 13th Conference of Heads of States or Government of the Non-Aligned Countries, held in Kuala Lumpur from 20 to 25 February 2003, called for the elimination and rejection of coercive economic and extraterritorial implementation of such laws against developing countries and condemned the application of such measures.

5. Simultaneously, an increasing number of voices, in multilateral forums, regional bodies and the private sector, have joined the international community and called for the total elimination and lifting of unilateral extraterritorial and other forms of coercive economic measures.

6. Coercive economic measures as a means of political and economic compulsion, in particular through the enactment of extraterritorial legislation, are not only against the well-recognized provisions and principles of international law and the Charter of the United Nations, but also threaten the basic fabric of international peace, security and stability and violate the sovereignty of States. They also impede and constrain the settlement of disputes through the promotion of mutual dialogue, understanding and peaceful means.

7. In an era of rapid and unprecedented change, the world needs peace, security and stability through the collective endeavours of all countries and also with respect for sovereignty as well as refraining from interfering in the internal affairs of other States. Indeed world peace and security are dependent on the existence of an enabling environment in which conflicts are resolved through peaceful means and unequal relations are replaced with just and mutually respectful partnerships.

8. Such coercive measures have a serious adverse impact on the overall economic, commercial, political, social and cultural life of the targeted countries and their peoples and intensify the challenges they face in a time of globalization and its concomitant traumatic transformations. In addition, they have an adverse impact on the transfer of technology, increase the rate of investment risks, threaten financial and monetary management, weaken industrial and agricultural infrastructures and undermine the commercial policies of the targeted countries.

9. Moreover, such measures reduce existing actual and potential capacities of targeted countries in the very important areas of health and education, which are basic elements in every social welfare programme. This in itself delays the development of their economic infrastructure, intensifies poverty in its various aspects and results in further exacerbation of the regional, social and economic outlook.

10. In this context, it is incumbent on the international community to establish necessary ways and means to compensate for the losses of targeted countries by those who resort to such unilateral measures. All countries should, in the true spirit of multilateralism and strict observance of international laws and regulations, avoid resorting to and enacting such measures.

11. Enforcement of unilateral coercive economic measures, in defiance of the Charter, has inflicted grave and irreparable losses, including a heavy financial and human toll, on the targeted countries. The Islamic Republic of Iran, as one of the affected countries, therefore reserves its right to pursue its financial and intellectual claims and to lodge complaints against Governments enacting those measures.

Japan

[Original: English]
[19 May 2004]

1. The Government of Japan is not imposing any of the economic measures referred to in General Assembly resolution 57/5 of 16 October 2002 and is not subject to such measures.

2. The Government of Japan takes the position that unilateral economic measures that are taken as the result of extraterritorial application of domestic laws are contrary to international law and thus unacceptable. Based on this position, it voted in favour of the above-mentioned resolution.

Libyan Arab Jamahiriya

[Original: Arabic]
[6 July 2004]

1. The Libyan Arab Jamahiriya reaffirms its condemnation and firm rejection of any measures that bar any State from exercising its full political rights to select its political, economic and social systems, because this constitutes a flagrant violation of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970.

2. The General Assembly has on a number of occasions expressed its concern at extraterritorial laws enacted by certain States that violate the sovereignty of other States and impair the interests of corporations and their personnel. All the instruments and resolutions adopted by the General Assembly in this regard affirm that the enactment of such laws undermines the principles of the Charter of the United Nations, is a gross violation of the norms of international law, inflicts serious economic damage on developing and developed countries alike and impedes the endeavours of the international community aimed at constructive cooperation and mutually beneficial exchange.

3. The General Assembly has also affirmed that the enactment of such laws is an interference in the internal affairs of States and a violation of their sovereignty and is incompatible with international instruments such as the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, adopted by the Assembly in its resolution 2131 (XX) of 21 December 1965, and the Charter of Economic Rights and Duties of States, proclaimed by the Assembly in its resolution 3281 (XXIX) of 12 December 1974. Both these instruments specify that no State is entitled to use or encourage the use of economic or political measures or any other form of pressure to coerce

another State in order to obtain from it the subordination of the exercise of its political rights.

4. By adopting such resolutions and instruments, the General Assembly has given clear expression to the overwhelming rejection by Member States of coercive measures and the strength of the opposition to the use of such measures against other States as a means of compulsion and of forcing them to accept policies that are not appropriate for or satisfactory to them. An international consensus has developed with regard to the need for a halt to be put to such measures, which have been adopted by certain States in the furtherance of their foreign policy and employed in their dealings with other States.

5. In addition, other international organizations, including the Organization of the Islamic Conference, the League of Arab States and the Group of 77 and China, have rejected coercive measures, while the Summit of Heads of State and Government of the African Union has demanded the immediate cessation of such measures. Meetings of the Movement of Non-Aligned Countries, at the heads of State and Government and ministerial levels, have condemned such laws and the insistence of some States on applying and reinforcing them unilaterally, have affirmed that such measures as the D'Amato-Kennedy Act represent a violation of international law and of the Charter of the United Nations and have called upon the international community to take effective measures to halt this tendency.

6. The Libyan Arab Jamahiriya also urges the States of the world to make clear to any State or States taking such measures and insisting that they continue to be implemented that this is a glaring error that must not continue. The sovereignty of such State or States is not superior to that of any other State and the international community has not delegated to them the administration of global affairs through their domestic legislation.

7. The Libyan Arab Jamahiriya again urges the international community strongly to reject the imposition of laws and prescriptions that have extraterritorial effects and all other forms of coercive economic measures, including unilateral sanctions against developing countries, and reiterates the urgent need for them to be repealed forthwith. The Libyan Arab Jamahiriya stresses that measures of this type are not merely destructive of the principles enshrined in the Charter of the United Nations and in international law, but also pose a grave threat to freedom of trade and investment. The Libyan Arab Jamahiriya calls on the international community not to recognize or implement such measures.

Malaysia

[Original: English]
[28 May 2004]

1. Malaysia voted in favour of General Assembly resolution 57/5 of 16 October 2002, in which the Assembly called for the end of imposition of unilateral coercive economic measures on individuals or corporations of other States. It also called upon all States not to recognize or apply such measures imposed by any State, which are contrary to the principles of international law.

2. Malaysia reaffirms its commitment to article 32 of the Charter of Economic Rights and Duties of States, adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, article 32 of which states: "No States may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights."

3. For this reason, Malaysia does not impose unilateral coercive, economic measures on corporations or individuals of other States.

Pakistan

[Original: English]
[12 April 2004]

Pakistan is fully in observance of resolution 57/5 of 16 October 2002, entitled "Elimination of unilateral extraterritorial coercive economic measures as a means of political and economic compulsion".

Qatar

[Original: Arabic]
[12 May 2004]

The State of Qatar has not taken or participated in any coercive unilateral economic measures across regional borders as a means of political or economic coercion against any State and such sanctions have not been imposed on the State of Qatar by any other State.